S.B.CRIMINAL REVISION PETITION NO.211/2007
(Dungar Ram Vs. State & Ors.)

Date of order : 10.5.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. S.D. Goswami, for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner.

By way of filing the present revision petition, the complainant has challenged the order dated 12.2.2007 passed by learned Civil Judge (JD) & Judicial Magistrate, Nagaur whereby the learned trial court has acquitted the non-petitioners from offence under Sections 143, 447, 336, 504, 149 I.P.C.

In this case, the FIR was registered under Section 156 (3) Cr.P.C. upon direction given by Magistrate on the complaint filed by the Police Station, Panchori.

After usual investigation, the challan was filed against the non-petitioner for the aforesaid offence. Thereafter, as many as eight witnesses were examined by the prosecution and nine documents were exhibited.

Learned trial court after appreciating the entire evidence and considering all documents arrived

at with the finding that the prosecution has failed to prove its case beyond reasonable doubt. It has been specifically observed by the trial court that there was allegation of theft against the non-petitioners in the complaint but in the investigation the said allegation was found to be false. Likewise, no specific allegation or words were used by the non-petitioners. Further, there are measure contradiction in the statement of prosecution witnesses. Learned trial court has discredited the statement of PW-3 – Gangaram because no allegation was levelled by the PW-3 Gangaram. Therefore, in my opinion the finding of the learned trial court that the prosecution has failed to prove its case beyond reasonable doubt, does not require any interference by this Court.

Accordingly, the revision petition is dismissed.

(GOPAL KRISHAN VYAS), J .

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